

**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE WESTERN AREA POWER ADMINISTRATION,  
[INSERT SIGNATORIES]  
REGARDING  
NATIONAL HISTORIC PRESERVATION ACT SECTION 106 COMPLIANCE FOR  
MAINTENANCE OF EXISTING WESTERN AREA POWER ADMINISTRATION  
FACILITIES AND ASSOCIATED ACCESS ROADS IN COLORADO, MONTANA,  
NEBRASKA, NEW MEXICO, UTAH, AND WYOMING**

**WHEREAS**, the Western Area Power Administration (WAPA), an agency of the United States Department of Energy, owns, operates, and maintains an extensive electrical power delivery system in Colorado, Montana, Nebraska, New Mexico, Utah, and Wyoming through both its Rocky Mountain Region (RMR) and Upper Great Plains (UGP) Region and this system includes, but is not limited to, transmission and distribution lines, substations and switchyards, communication and microwave sites, and field offices (facilities), and associated access roads; and

**WHEREAS**, WAPA conducts routine maintenance activities (maintenance program) at these facilities to ensure a safe and reliable electrical power delivery system, and these activities are "undertakings," as defined in 36 CFR § 800.16(y), which are therefore subject to the provisions of Section 106 of the National Historic Preservation Act of 1966 (NHPA), 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800; and

**WHEREAS**, WAPA is the lead federal agency responsible for compliance with Section 106 of the NHPA for its maintenance program undertakings, pursuant to 36 CFR § 800.2(a)(2), as these undertakings may involve more than one federal agency; and

**WHEREAS**, WAPA consulted with the Colorado, Montana, Nebraska, New Mexico, Utah, and Wyoming State Historic Preservation Officers (SHPOs) and invited them to participate in the development of this PA and to sign as Signatories, pursuant to 36 CFR § 800.14; and

**WHEREAS**, the [insert Signatories] have agreed to participate and sign as Signatories and the [insert Signatories] have declined to participate and sign as Signatories; and

**WHEREAS**, WAPA owns, operates, and maintains facilities on lands administered by the Arapaho Tribe of the Wind River Reservation, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Chippewa Cree Indians of the Rocky Boy's Reservation, Crow Tribe of Montana, Eastern Shoshone Tribe of the Wind River Reservation, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, Navajo Nation, and Ute Mountain Ute Tribe and pursuant to 36 CFR § 800.14, WAPA invited these federally recognized tribes to participate in the development of this PA and to sign as Signatories; and

**WHEREAS**, the [insert Signatories] have agreed to participate and sign as Signatories and the [insert Signatories] have declined to participate and sign as Signatories; and

**WHEREAS**, WAPA also owns, operates, and maintains facilities across lands managed by several federal and state agencies, including the Bureau of Indian Affairs (BIA)-Navajo Region, BIA-Rocky Mountain Region, and BIA-Southwest Region; Bureau of Land Management (BLM)-Colorado State Office, BLM-Montana/Dakotas State Office, BLM-New Mexico State Office, BLM-Utah State Office, and BLM-Wyoming State Office; Bureau of Reclamation (BOR)-Missouri Basin Region and BOR-Upper Colorado Basin Region; Colorado Parks and Wildlife, National Park Service (NPS)-Intermountain Region and NPS-Midwest Region; Montana Department of Natural Resources & Conservation-Trust Lands Management Division; New Mexico State Land Office; State of Utah School and Institutional Trust Lands Administration; U.S. Army Corps of Engineers-Omaha District; U.S. Army Garrison-Fort Carson; U.S. Fish and Wildlife Service-Mountain Prairie Region; U.S. Forest Service (USFS)-Intermountain Region, USFS-Northern Region, and USFS-Rocky Mountain Region; and the Wyoming Military Department-Camp Guernsey (hereafter referred to as the land management agencies) and WAPA invited each land management agency to participate in the development of this PA and to sign as Invited Signatories, pursuant to 36 CFR § 800.14; and

**WHEREAS**, the [insert Invited Signatories] have agreed to participate and sign as Invited Signatories and the [insert Invited Signatories] have declined to participate and sign as Invited Signatories; and

**WHEREAS**, the maintenance program undertakings associated with facilities owned, operated, and maintained by WAPA have the potential to affect historic properties of religious, spiritual, or cultural significance to the Apache Tribe of Oklahoma, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, Cheyenne and Arapaho Tribes, Cheyenne River Sioux Tribe of the Cheyenne River Reservation, Comanche Nation, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Crow Creek Sioux Tribe of the Crow Creek Reservation, Duckwater Shoshone Tribe of the Duckwater Reservation, Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Hopi Tribe of Arizona, Hualapai Indian Tribe of the Hualapai Indian Reservation, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Jicarilla Apache Nation, Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Lower Brule Sioux Tribe of the Lower Brule Reservation, Nez Perce Tribe, Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Northwestern Band of the Shoshone Nation, Oglala Sioux Tribe, Omaha Tribe of Nebraska, Otoe-Missouria Tribe of Indians, Pawnee Nation of Oklahoma, Ponca Tribe of Indians of Oklahoma, Ponca Tribe of Nebraska, Rosebud Sioux Tribe of the Rosebud Indian Reservation, Santee Sioux Nation, Southern Ute Indian Tribe of the Southern Ute Reservation, Standing Rock Sioux Tribe of North & South Dakota, Three Affiliated Tribes of the Fort Berthold Reservation, Ute Indian Tribe of the Uintah & Ouray Reservation, Winnebago Tribe of Nebraska, and Yankton Sioux Tribe of South Dakota and pursuant to 36 CFR § 800.14, WAPA invited these federally recognized tribes to participate in the development of this PA and to sign as Concurring Parties; and

**WHEREAS**, the [insert Concurring Parties] have agreed to participate and sign as Concurring Parties and the [insert Concurring Parties] have declined to participate and sign as Concurring Parties; and

**WHEREAS**, the refusal of any Signatory, Invited Signatory, or Concurring Party to sign this PA does not invalidate the PA; and

**WHEREAS**, an Invited Signatory may sign this PA any time after execution and this does not require a formal amendment pursuant to Stipulation XII of this PA.

**WHEREAS**, this PA is only applicable on tribal lands where the respective Tribal Historic Preservation Officer (THPO) or Tribal Government representative has signed this PA as a Signatory, and on land management agencies' land where the respective agency representative has signed this PA as an Invited Signatory; and

**WHEREAS**, pursuant to 36 CFR § 800.2(c)(2), WAPA is committed to continuing consultation with tribes throughout the implementation of this PA regarding identification and evaluation efforts and the resolution of adverse effects to historic properties to which tribes may attach religious, spiritual, or cultural significance. WAPA recognizes that tribes have continuing deep interests in their ancestral lands and that these interests may range far beyond historic properties as defined by 36 CFR § 800.16(l)(1). WAPA is committed to affording tribes the appropriate respect and dignity as sovereign nations and will make every effort to understand and consider tribal interests on these lands. WAPA is committed to carrying out its responsibilities to consult and coordinate with tribes with the understanding that, notwithstanding any decision by these tribes to decline participation in this PA, WAPA shall continue to consult and coordinate on future undertakings; and

**WHEREAS**, WAPA sought public input through the placement of notifications in a variety of widely read newspapers throughout Colorado, Montana, Nebraska, New Mexico, Utah, and Wyoming in accordance with 36 CFR § 800.14(b)(2)(ii). These notifications directed interested parties to WAPA's RMR website to obtain a downloadable copy of the draft PA for review and comment. All comments were considered in the development of this PA; and

**WHEREAS**, WAPA has notified the Advisory Council on Historic Preservation (ACHP) according 36 CFR § 800.6(a)(1) and 800.14(b), and the ACHP has elected [insert to participate/not to participate]; and

**NOW, THEREFORE**, the Signatories and Invited Signatories agree that the execution and implementation of this PA ensures that WAPA has satisfied its Section 106 responsibilities for its maintenance program undertakings in Colorado, Montana, Nebraska, New Mexico, Utah, and Wyoming and has afforded the ACHP the opportunity to comment.

## STIPULATIONS

WAPA will ensure that the following stipulations are carried out:

### I. SCOPE AND OBJECTIVES

- A. This programmatic agreement (PA) establishes alternative Section 106 implementation procedures for WAPA's maintenance program undertakings which meet specific criteria established in the stipulations below or which are exempt from Section 106 review (Appendix B), pursuant to 36 CFR § 800.14, and WAPA's maintenance program undertakings that do not meet these specific criteria are subject to Section 106 implementation procedures, pursuant to 36 CFR §§ 800.3 - 800.6.
- B. This PA, upon execution, supersedes the previous PA executed in 2015, titled *Programmatic Agreement Among the Advisory Council On Historic Preservation, Western Area Power Administration, State Historic Preservation Officers Of Colorado, Wyoming, Nebraska, and Utah, Bureau of Indian Affairs, Bureau Of Land Management, Bureau of Reclamation, National Park Service, Navajo Nation, Northern Arapahoe Tribe, Shoshone Tribe, State Land Department of New Mexico, Ute Mountain Ute, U.S. Army-Fort Carson, U.S. Fish & Wildlife Service, U.S. Forest Service, and the Wyoming Military Department Regarding Maintenance and Minor Construction Activities at Existing Western Transmission Lines, Facilities and Properties in Colorado, Nebraska, New Mexico, Utah, and Wyoming.*
- C. Definitions applicable to this PA are found in Appendix A.

### II. PROFESSIONAL QUALIFICATIONS, DOCUMENTATION STANDARDS, AND TRAINING

- A. WAPA's personnel who meet the Secretary of Interior's Professional Qualification Standards (36 CFR Part 61) in one or more fields in History, Archeology, Architectural History, Architecture, or Historic Architecture (hereafter referred to as cultural resource professionals), are responsible for ensuring the implementation of this PA.
- B. WAPA's cultural resource professionals will ensure that all necessary permits and/or fieldwork authorizations are obtained for Class II or Class III cultural resource inventories on state, federal or tribal lands and that all Class II or Class III cultural resource inventories are carried out or supervised by a person meeting the applicable Secretary of Interior's Professional Qualification Standards. In the event that an ethnography is warranted, ethnographic work will be conducted by a qualified cultural anthropologist (62 FR 33715) or a tribal designee. All required cultural resource documentation will meet or exceed the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) documentation requirements.

- C. WAPA's cultural resource professionals shall provide annual training on the Section 106 compliance process and the provisions of this PA to WAPA's Maintenance Department personnel. Tribes may also be invited to participate in the annual training.

### **III. SECTION 106 PROCESS INITIATION**

Pursuant to 36 CFR § 800.3(a), WAPA's cultural resource professionals will determine if the maintenance program undertaking is a type of activity that has the potential to cause effects on historic properties or those cultural resources that require additional information (unevaluated and/or "needs data") prior to a determination for inclusion in the National Register of Historic Places (NRHP), if such resources exist.

- A. If the undertaking doesn't have the potential to cause effects on historic properties, or those cultural resources that require additional information (unevaluated and/or "needs data") prior to a determination for inclusion in the NRHP, WAPA has no further obligations under Section 106 of the NHPA, pursuant to 36 CFR § 800.3(a)(1). WAPA's cultural resource professionals will document the undertaking for WAPA's administrative record and WAPA would proceed with the undertaking without conducting consultation with the applicable consulting parties.
- B. If the undertaking has the potential to cause effects to historic properties, or those cultural resources that require additional information (unevaluated and/or "needs data") prior to a determination for inclusion in the NRHP, pursuant to 36 CFR § 800.3(a)(2), WAPA's cultural resource professionals will follow the PA stipulations below established in accordance with 36 CFR § 800.14.

### **IV. HISTORIC PROPERTY IDENTIFICATION AND REVIEW**

WAPA's cultural resource professionals will make a reasonable and good faith effort to carry out applicable identification efforts, taking into account past planning, research and studies, the magnitude and nature of the maintenance program undertaking and the degree of federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects (APE) per 36 CFR § 800.4(b)(1).

- A. As early as possible in the planning process, WAPA's cultural resource professionals will determine the APE, as defined in 36 CFR § 800.16(d), for its maintenance program undertakings.
- B. WAPA's cultural resource professionals will conduct a Class I file search with the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s), as necessary, including a review of previous cultural resource inventory report(s) and cultural resource data from WAPA's internal records to determine whether any part of the APE has been subject to previous cultural resource inventory(ies) and to identify any previously

recorded cultural resource(s) within the APE. Other files, including, but not limited to, BLM General Land Office records, the NRHP, historical topographical maps, and aerial imagery will also be examined, when applicable.

- C. Based on the results of the Class I file search, WAPA's cultural resource professionals will determine the extent to which a Class II or Class III cultural resource inventory of the APE is necessary.
1. Previously disturbed APEs where no potential exists for intact cultural resources, as determined by WAPA's cultural resource professionals, do not require a Class II or Class III cultural resource inventory. WAPA's cultural resource professionals will document the maintenance program undertaking for WAPA's administrative record and WAPA can proceed with the undertaking without conducting consultation with the applicable consulting parties.
  2. If the APE has not been previously inventoried, or if the APE has been previously inventoried, but the inventory and/or documentation methods do not meet current applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) standards, WAPA's cultural resource professionals will conduct a new Class II or Class III cultural resource inventory. The inventory report(s) and associated cultural resource documentation will be provided to the applicable consulting parties requesting their review and comment within 30-calendar days of receipt.
  3. If the APE has been previously inventoried and the inventory and documentation methods meet current applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) standards (with concurrence on NRHP eligibility and effect determinations from the applicable consulting parties), a Class II or Class III inventory is not required. WAPA's cultural resource professionals will determine the finding of effect for the maintenance program undertaking in accordance with Stipulation V.
- WAPA's cultural resource professionals may, however, determine a new inventory is justified based on factors such as the age of the previous inventory, the nature of the soils in the APE, etc. If WAPA's cultural resource professionals determine that a new Class II or Class III cultural resource inventory of the APE is justified, the inventory methods used will meet current applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) standards. The inventory report(s) and associated cultural resource documentation will be provided to the applicable consulting parties requesting their review and comment within 30-calendar days of receipt.
- D. During the Class II or Class III cultural resource inventory, WAPA's cultural resource professionals will evaluate all identified cultural resources over fifty years of age or those that may have achieved significance within the last fifty years, per the criteria of significance found at 36 CFR § 60.4.



1. Evaluative testing of a cultural resource(s) may be conducted, following consultation with the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s), to evaluate its NRHP eligibility.
2. WAPA's cultural resource professionals will provide all NRHP eligibility evaluations to the applicable consulting parties requesting their review and comment within 30-calendar days of receipt.
3. If the applicable consulting parties do not respond to the evaluations within 30-calendar days of receipt, WAPA's cultural resource professionals will assume concurrence with its NRHP determinations and proceed with the maintenance program undertaking.
4. If the THPO(s) or SHPO(s) objects to any of WAPA's NRHP eligibility determinations, WAPA's cultural resource professionals will continue to consult with the THPO(s) or SHPO(s) to seek consensus. If consensus between WAPA's cultural resource professionals and the THPO(s) or SHPO(s) cannot be reached, WAPA's cultural resource professionals will seek a determination of NRHP eligibility from the Secretary of Interior (The Keeper of the NRHP), referred to as The Keeper), pursuant to 36 CFR § 63. The Keeper's determination of NRHP eligibility will be final.

## **V. FINDINGS OF EFFECT**

- A. A finding of *No Historic Properties Affected*, in accordance with 36 CFR § 800.4(d)(1), results when either there are no historic properties within the APE or when there are historic properties present within the APE, but the maintenance program undertaking will have no effect on them, as defined in 36 CFR § 800.16(i). A finding of *No Adverse Effect*, in accordance with 36 CFR § 800.5(b), results when there are historic properties within the APE and the undertaking will have an effect on them, but the effects do not meet the criteria of adverse effect, pursuant to 36 CFR § 800.5(a)(1).
  1. Findings of *No Historic Properties Affected* or *No Adverse Effect* will be made in consultation with the applicable consulting parties, except when the following conditions apply.
    - a. WAPA's cultural resource professionals determine that the APE has been previously inventoried, and the inventory and documentation methods meet current applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) standards (with concurrence on NRHP eligibility and effect determinations from the applicable consulting parties); and
    - b. Historic properties, or those cultural resources that require additional information (unevaluated and/or "needs data") prior to a determination for

inclusion in the NRHP, within the APE will be avoided or impacts are limited to those that do not alter, directly or indirectly, any of the characteristics that qualify them for inclusion in the NRHP in a manner that would diminish the integrity of the resource's location, design, setting, materials, workmanship, feeling, or association.

If WAPA's cultural resource professionals determine a finding of *No Historic Properties Affected* or *No Adverse Effect* for a maintenance program undertaking where both of these conditions apply, they will document the undertaking for WAPA's administrative record and WAPA can proceed with the undertaking without conducting consultation with the applicable consulting parties. A summary of these undertakings will be included in the annual report, per Stipulation X.

2. Findings of *No Historic Properties Affected* or *No Adverse Effect* for a maintenance program undertaking where both of the conditions in Stipulation V.A.1. do not apply, require consultation with the applicable consulting parties by WAPA's cultural resource professionals, pursuant to 36 CFR § 800.5(c).

- B. A finding of *Adverse Effect*, in accordance with 36 CFR § 800.5(d)(2), results when there are historic properties, or those cultural resources that require additional information (unevaluated and/or "needs data") prior to a determination for inclusion in the NRHP, within the APE and the maintenance program undertaking may alter, directly or indirectly, any of the characteristics that qualify them for inclusion in the NRHP in a manner that would diminish the integrity of the resource's location, design, setting, materials, workmanship, feeling, or association.

1. If WAPA's cultural resource professionals determine a finding of *Adverse Effect*, they will consult with the applicable consulting parties, pursuant to 36 CFR § 800.6, to resolve the adverse effects through the execution of a memorandum of agreement.

## **VI. CONDITIONS TO AVOID OR MINIMIZE ADVERSE EFFECTS**

Appendix C is a list of best management practices which detail conditions intended to avoid or minimize adverse effects for maintenance program undertakings not covered under Appendix B.

## **VII. EMERGENCY UNDERTAKINGS**

Maintenance program undertakings completed to address situations involving unplanned or unscheduled power outages or those situations that pose an immediate threat to life or property are considered emergency undertakings. These undertakings occur prior to WAPA's completion of Section 106 implementation procedures. In the event of an emergency undertaking, WAPA's cultural resource professionals will ensure that the following procedures are carried out.



- A. WAPA's cultural resource professionals, within 14 calendar days of their notification of the emergency undertaking by Field, Division, or Regional Maintenance Managers, will notify the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) of the undertaking.
- B. WAPA's cultural resource professionals will conduct a Class I file search of the emergency undertaking affected area, pursuant to Stipulation IV.B.
  - 1. If, according to the Class I file search results, the affected area has been previously inventoried, the inventory and documentation methods meet current applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) standards (with concurrence on NRHP eligibility and effect determinations from the applicable consulting parties), and no cultural resources were identified within the affected area, WAPA's cultural resource professionals will document the undertaking for WAPA's administrative record without conducting consultation with the applicable consulting parties.
  - 2. If, according to the Class I file search results, the affected area has been previously inventoried, the inventory and documentation methods meet current applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) standards (with concurrence on NRHP eligibility and effect determinations from the applicable consulting parties), and cultural resources (excluding those representing WAPA's facilities) were identified within the affected area, WAPA's cultural resource professionals will visit the affected area within 45 calendar-days of their notification of the emergency, or as soon as conditions allow, to document each cultural resource (excluding those representing WAPA's facilities) using the applicable federal, tribal, and/or state resource form(s). WAPA's cultural resource professionals will submit the cultural resource documentation to the applicable consulting parties, requesting their review and comment within 30-calendar days of receipt. If historic properties, or those cultural resources that require additional information (unevaluated and/or "needs data") prior to a determination for inclusion in the NRHP, were adversely affected by the emergency undertaking, WAPA's cultural resource professionals will follow the procedures outlined in Stipulation V.B.1.
  - 3. If, according to the Class I file search results, the affected area has not been previously inventoried or the inventory and documentation methods do not meet current applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) standards, a post-emergency Class III cultural resource inventory of the affected area will be conducted within 45 calendar-days of the initial emergency notification, or as soon as conditions allow. The results of the post-emergency inventory will be documented for WAPA's administrative record without conducting consultation with the applicable consulting parties.

- a. If cultural resources (excluding those representing WAPA's facilities) are identified as a result of the post-emergency Class III cultural resource inventory, WAPA's cultural resource professionals will document each cultural resource using the applicable federal, tribal, and/or state resource form(s) and submit the cultural resource documentation to the applicable consulting parties, requesting their review and comment within 30-calendar days of receipt. If historic properties, or those cultural resources that require additional information (unevaluated and/or "needs data") prior to a determination for inclusion in the NRHP, were adversely affected by the emergency undertaking, WAPA's cultural resource professionals will follow the procedures outlines in Stipulation V.B.1.

A summary of these emergency undertakings will be included in the annual report, per Stipulation X.

### **VIII. INADVERTENT DISCOVERIES**

- A. If a cultural resource(s), as defined in Appendix A, is inadvertently discovered during implementation of a maintenance program undertaking, a reasonable effort will be made to protect the discovery area(s) and all ground disturbing activities will cease within 30 meters (100 ft) of the area(s) until an assessment of the area(s) is made by WAPA's cultural resource professionals.
  1. If WAPA's cultural resource professionals determine that the cultural resource discovery(ies) represent an isolate/isolated find/isolated occurrence that is not eligible for inclusion in the NRHP, WAPA's cultural resource professionals will document the cultural resource(s) using the applicable federal, tribal, and/or state resource form(s) and WAPA can proceed with the maintenance program undertaking without any restrictions. WAPA's cultural resource professionals will notify the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) within 14 calendar days of the discovery(ies). Copies of the isolate/isolated find/isolated occurrence documentation will be sent to the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s).
  2. WAPA's cultural resource professionals will document all other cultural resource discoveries using the applicable federal, tribal, and/or state resource form(s), and WAPA can proceed with the maintenance program undertaking, assuming all ground disturbance within the cultural resource boundary(ies) is avoided. WAPA's cultural resource professionals will notify the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) within 14 calendar days of the discovery(ies). Copies of the resource form(s) will be sent to the applicable consulting parties, requesting their review and comment on the NRHP eligibility and effect determination(s) within 30-calendar days of receipt. Following consultation,

WAPA's cultural resource professionals will ensure any necessary restrictions are documented for the undertaking to proceed within the resource boundary(ies).

- B. If cultural items, as defined in Appendix A, are inadvertently discovered during implementation of a maintenance program undertaking, the discovery area(s) will be protected and all ground disturbing activities will cease within 30 meters (100 ft) of the discovery area(s).
1. If the cultural items are discovered on federal lands, pursuant to 43 CFR 10, the regulations implementing the Native America Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 30001 et seq.) will be followed. WAPA's cultural resource professionals will notify the applicable land management agency(ies) by phone immediately, followed by written notification within 24 hours of the discovery. Compliance with NAGPRA will be the responsibility of the applicable land management agency(ies).
  2. If the cultural items are discovered on tribal lands, pursuant to 43 CFR 10, WAPA's cultural resource professionals will notify the BIA-Navajo Region, BIA-Rocky Mountain Region, or BIA-Southwest Region, as applicable, and tribe(s)/THPO(s) immediately by phone, followed by written notification within 24 hours of the discovery. Compliance with NAGPRA will be the responsibility of the BIA-Navajo Region, BIA-Rocky Mountain Region, or BIA-Southwest Region, as applicable, and tribe(s)/THPO(s).
  3. If the cultural items are inadvertently discovered on state or private lands, WAPA's cultural resource professionals will comply with the applicable state procedures.

A summary of these inadvertent discoveries will be included in the annual report, per Stipulation X.

## **IX. DURATION**

This PA will expire ten (10) years from the date of its execution, unless the PA is amended pursuant to Stipulation XII. with a new expiration date prior to such time. If this PA expires, WAPA's cultural resource professionals will consult on maintenance program undertakings pursuant to 36 CFR §§ 800.4 - 800.6 until a new PA is executed pursuant to 36 CFR § 800.14.

## **X. PROGRAM MONITORING AND REPORTING**

- A. WAPA's cultural resource professionals will compile an annual report for the Signatories and Invited Signatories by March 1 of each year, beginning in [insert year], summarizing specific maintenance program undertakings (see Stipulation V.A.1., VII. VIII., and Appendix B) reviewed over the course of the prior calendar year.

1. The annual report will include, at a minimum, the maintenance program undertaking and associated WAPA project number(s), if applicable; the date(s) the undertaking was reviewed by WAPA's cultural resource professionals; PA stipulation/appendix reference(s); the APE landownership; the file search date(s) and location(s); and a list of the consulting party(ies), if applicable. Additional information will be provided upon request.
  2. If the review of a maintenance program undertaking by WAPA's cultural resource professionals spans multiple calendar years, it may be included in multiple annual reports.
- B. WAPA's cultural resource professionals will also initiate an optional annual meeting with the Signatories and Invited Signatories by May 1 of each year, beginning in 2024, to discuss the implementation of this PA and the information included in the annual report.

## **XI. DISPUTE RESOLUTION**

Should any Signatory or Invited Signatory to this PA object at any time to any actions proposed or how the terms of this PA are implemented, WAPA's cultural resource professionals will notify the Signatories and Invited Signatories about the objection by e-mail and consult with the objecting party to resolve the matter. If WAPA's cultural resource professionals determine that the objection cannot be resolved, they will forward the objection to the ACHP for its review and comment.

- A. If the ACHP does not provide comment regarding the dispute within 30-calendar days of receipt, WAPA's cultural resource professionals may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, WAPA's cultural resource professionals will prepare a written response that considers any timely comments regarding the dispute from the Signatories and Invited Signatories. A copy of the written response will be provided to the Signatories and Invited Signatories, and the ACHP, by WAPA's cultural resource professionals.
- B. The responsibility of WAPA's cultural resource professionals to carry out all other terms of this PA that are not the subject of the dispute remain unchanged.

## **XII. AMENDMENTS**

This PA may be amended in counterparts, when such an amendment is agreed to in writing by all Signatories and Invited Signatories who have signed the PA. WAPA's cultural resource professionals will distribute copies of the amendment to these Signatories and Invited Signatories. The amendment will be effective on the date a copy signed by these Signatories and Invited Signatories is filed by WAPA's cultural resource professionals with the ACHP.

### **XIII. TERMINATION**

If any Signatory or Invited Signatory to this PA determines that its terms will not or cannot be carried out, that Signatory or Invited Signatory will immediately consult with the other Signatories and Invited Signatories to attempt to develop an amendment per Stipulation XII. If an amendment cannot be reached within 30-calendar days (or another time period agreed to by all Signatories and Invited Signatories), any Signatory or Invited Signatory may terminate its involvement in this PA upon written notification to the other Signatories and Invited Signatories. All Signatories and Invited Signatories must agree that the terms of this PA will not or cannot be carried out to terminate this PA as a whole. If this PA, as a whole, is terminated or if a Signatory or Invited Signatory terminates its involvement in this PA prior to implementation of any maintenance program undertaking that would normally be covered by this PA or on lands managed by that Signatory or Invited Signatory who has terminated its involvement in this PA, WAPA's cultural resource professionals will either:

- A. Complete Section 106 review (36 CFR §§ 800.3 - 800.6) for each maintenance program undertaking; or
- B. Execute a new PA pursuant to 36 CFR § 800.14(b)

WAPA's cultural resource professionals will notify the Signatories/Invited Signatories of the course of action they will pursue.

[Each Signatory and Invited Signatory will have their own signature page in the executed PA]

**SIGNATORY**

**WESTERN AREA POWER ADMINISTRATION**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Senior Vice President and RMR Regional Manager

**SIGNATORY**

**WESTERN AREA POWER ADMINISTRATION**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Senior Vice President and UGP Regional Manager

**SIGNATORY**

**COLORADO STATE HISTORIC PRESERVATION OFFICER**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
State Historic Preservation Officer

**SIGNATORY**

**MONTANA STATE HISTORIC PRESERVATION OFFICER**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
State Historic Preservation Officer

**SIGNATORY**

**NEBRASKA STATE HISTORIC PRESERVATION OFFICER**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
State Historic Preservation Officer



**SIGNATORY**

**NEW MEXICO STATE HISTORIC PRESERVATION OFFICER**

By:\_\_\_\_\_Date:\_\_\_\_\_  
State Historic Preservation Officer

**SIGNATORY**

**UTAH STATE HISTORIC PRESERVATION OFFICER**

By:\_\_\_\_\_Date:\_\_\_\_\_  
State Historic Preservation Officer

**SIGNATORY**

**WYOMING STATE HISTORIC PRESERVATION OFFICER**

By:\_\_\_\_\_Date:\_\_\_\_\_  
State Historic Preservation Officer

By:\_\_\_\_\_Date:\_\_\_\_\_  
Attorney General

**SIGNATORY**

**ARAPAHO TRIBE OF THE WIND RIVER RESERVATION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Chairman

**SIGNATORY**

**ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK INDIAN RESERVATION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Chairman

**SIGNATORY**

**CHIPPEWA CREE INDIANS OF THE ROCKY BOY'S RESERVATION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Chairman

**SIGNATORY**

**CROW TRIBE OF MONTANA**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Chairman

**SIGNATORY**

**EASTERN SHOSHONE TRIBE OF THE WIND RIVER RESERVATION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Chairman

**SIGNATORY**

**FORT BELKNAP INDIAN COMMUNITY OF THE FORT BELKNAP RESERVATION  
OF MONTANA**

By:\_\_\_\_\_Date:\_\_\_\_\_  
President

**SIGNATORY**

**NAVAJO NATION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
President

**SIGNATORY**

**UTE MOUNTAIN UTE TRIBE**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Chairman

**SIGNATORY**

**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Executive Director

**INVITED SIGNATORY**

**BUREAU OF INDIAN AFFAIRS-NAVAJO REGION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Regional Director

**INVITED SIGNATORY**

**BUREAU OF INDIAN AFFAIRS-ROCKY MOUNTAIN REGION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Regional Director

**INVITED SIGNATORY**

**BUREAU OF INDIAN AFFAIRS-SOUTHWEST REGION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Regional Director

**INVITED SIGNATORY**

**BUREAU OF LAND MANAGEMENT-COLORADO STATE OFFICE**

By:\_\_\_\_\_Date:\_\_\_\_\_  
State Director

**INVITED SIGNATORY**

**BUREAU OF LAND MANAGEMENT-MONTANA/DAKOTAS STATE OFFICE**

By:\_\_\_\_\_Date:\_\_\_\_\_  
State Director

**INVITED SIGNATORY**

**BUREAU OF LAND MANAGEMENT-NEW MEXICO STATE OFFICE**

By:\_\_\_\_\_Date:\_\_\_\_\_  
State Director

**INVITED SIGNATORY**

**BUREAU OF LAND MANAGEMENT-UTAH STATE OFFICE**

By:\_\_\_\_\_Date:\_\_\_\_\_  
State Director

**INVITED SIGNATORY**

**BUREAU OF LAND MANAGEMENT-WYOMING STATE OFFICE**

By:\_\_\_\_\_Date:\_\_\_\_\_  
State Director

**INVITED SIGNATORY**

**BUREAU OF RECLAMATION-MISSOURI BASIN REGION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Regional Director

**INVITED SIGNATORY**

**BUREAU OF RECLAMATION-UPPER COLORADO BASIN REGION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Regional Director

**INVITED SIGNATORY**

**COLORADO PARKS AND WILDLIFE**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Director

**INVITED SIGNATORY**

**NATIONAL PARK SERVICE-INTERMOUNTAIN REGION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Regional Director

**INVITED SIGNATORY**

**NATIONAL PARK SERVICE-MIDWEST REGION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Regional Director

**INVITED SIGNATORY**

**NEW MEXICO STATE LAND OFFICE**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Commissioner

**INVITED SIGNATORY**

**STATE OF UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS  
ADMINISTRATION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Director



**INVITED SIGNATORY**

**U.S. ARMY CORPS OF ENGINEERS-OMAHA DISTRICT**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Commander and District Engineer

**INVITED SIGNATORY**

**U.S. ARMY GARRISON-FORT CARSON**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Garrison Commander

**INVITED SIGNATORY**

**U.S. FISH AND WILDLIFE SERVICE-MOUNTAIN PRAIRIE REGION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Regional Director

**INVITED SIGNATORY**

**U.S. FOREST SERVICE-INTERMOUNTAIN REGION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Regional Forester

**INVITED SIGNATORY**

**U.S. FOREST SERVICE-NORTHERN REGION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Regional Forester

**INVITED SIGNATORY**

**U.S. FOREST SERVICE-ROCKY MOUNTAIN REGION**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Regional Forester

**INVITED SIGNATORY**

**WYOMING MILITARY DEPARTMENT-CAMP GUERNSEY**

By:\_\_\_\_\_Date:\_\_\_\_\_  
Maj. Gen.

## APPENDIX A: DEFINITIONS

WAPA's cultural resource professionals may revise the list of definitions in Appendix A only following agreement by the Signatories and Invited Signatories and this does not require a formal amendment pursuant to Stipulation XII of this PA.

**Archaeological Resource** – Any material remains of human life or activities which are at least 100 years of age, and which are of archaeological interest (43 CFR § 7.3(a)).

**Area of Potential Effects (APE)** – The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (36 CFR § 800.16(d)).

**Class I File Search** – A comprehensive literature review and file search of existing cultural resource records to determine the existence of any previously conducted cultural resource inventory(ies) and any previously recorded cultural resource(s) within an APE.

**Class II Cultural Resource Inventory** – A statistically-based sample reconnaissance inventory of an APE conducted by, or under the direction of, someone who meets the Secretary of Interior's Professional Qualification Standards (36 CFR Part 61) in one or more fields in History, Archeology, Architectural History, Architecture, or Historic Architecture, designed to characterize cultural resources within a larger area.

**Class III Cultural Resource Inventory** – An intensive pedestrian inventory of an APE conducted by, or under the direction of, someone who meets the Secretary of Interior's Professional Qualification Standards (36 CFR Part 61) in one or more fields in History, Archeology, Architectural History, Architecture, or Historic Architecture, performed to the specifications of the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s).

**Concurring Party** – A consulting party that does not have a particular responsibility under the terms of this PA, but has been invited to concur with the stipulations of the PA. The refusal of any Concurring Party to concur with the stipulations of this PA does not invalidate the PA.

**Cultural Items** – Human remains, associated funerary objects, unassociated funerary objects, sacred objects, and cultural patrimony (25 U.S. Code § 3001).

**Cultural Resource** – Archaeological materials (artifacts) and sites dating to the prehistoric, historic, and ethnohistoric periods. Includes, but is not limited to, historic properties (36 CFR § 800.16(l), archaeological resources (43 CFR § 7.3(a)), and cultural items (25 U.S. Code § 3001).

**Historic Property** – Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior.

This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR § 800.16(l)).

**Invited Signatory** – A consulting party that has a responsibility under the terms of this PA and has been invited to sign, giving them the authority to amend or terminate the PA.

**Isolate/Isolated Occurrence/Isolated Find** – A cultural manifestation that does not meet the standard definition of a site as defined by the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s). If the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) do not have a standard definition, a definition shall be provided by WAPA.

**Landing/Pad** – A flat, level area created on the ground surface to provide a safe location for maintenance equipment operation.

**Signatory** – A consulting party that has a responsibility under the terms of this PA and has the sole authority to execute, amend, or terminate the PA.

**State Historic Preservation Officer (SHPO)** – The official appointed or designated pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966 (NHPA) to administer the state historic preservation program or a representative designated to act for the State Historic Preservation Officer (36 CFR § 800.16(v)).

**Tribal Historic Preservation Officer (THPO)** – The tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who had assumed the responsibilities of the SHPO for purposes of Section 106 compliance on tribal lands in accordance with Section 101(d)(2) of the National Historic Preservation Act of 1966 (NHPA) (36 CFR § 800.16(w)).

**Tribal Lands** – All lands within the exterior boundaries of any Indian reservation and all dependent Indian communities (36 CFR § 800.16(x)).

**Undertaking** – A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license, or approval (36 CFR § 800.16(y)).

## **APPENDIX B: EXEMPT UNDERTAKINGS**

Exempt undertakings represent those maintenance program activities that are exempt from Section 106 review, pursuant to 36 CFR § 800.14(c)(1). The potential effects of these undertakings upon historic properties, or those cultural resources that require additional information (unevaluated and/or “needs data”) prior to a determination for inclusion in the NRHP, are foreseeable and likely to be minimal or not adverse, as determined by WAPA’s cultural resource professionals. WAPA’s cultural resource professionals will document these undertakings for its administrative record and can proceed with these undertakings without conducting consultation with the applicable consulting parties. Maintenance program undertakings that are exempt from Section 106 review are listed below by facility type.

WAPA’s cultural resource professionals may revise the list of exempt undertakings in Appendix B only following agreement by the Signatories and Invited Signatories and this does not require a formal amendment pursuant to Stipulation XII of this PA.

- A. Substations and Switchyards (also including, but not limited to, Taps, Metering Stations, Pumping Plants, Converter Stations, and Power Plants)
  - 1. Installation, maintenance, removal, and/or replacement of equipment and components within the confines of an existing substation and/or switchyard
  - 2. Maintenance and/or removal of buildings and structures less than 50 years old within the confines of an existing substation and/or switchyard
  - 3. Maintenance, removal, and/or replacement of non-original components of buildings more than 50 years old within the confines of an existing substation and/or switchyard
  - 4. Ground disturbing activities within the confines of an existing substation and/or switchyard
  - 5. Installation, maintenance, removal, and/or replacement of gates and fences at an existing substation and/or switchyard
  - 6. Vegetation management conducted using only hand tools (e.g., chainsaws and pull-behind chippers) and pesticide application within the confines of and/or outside an existing substation and/or switchyard in an area(s) previously disturbed by construction of an existing substation and/or switchyard
  - 7. Other maintenance program undertakings, within the confines of and/or outside an existing substation and/or switchyard in an area(s) previously disturbed by construction of an existing substation and/or switchyard, where the potential effects upon historic properties, or those cultural resources that require additional

information (unevaluated and/or “needs data”) prior to a determination for inclusion in the NRHP, are foreseeable and likely to be minimal or not adverse, as determined by WAPA’s FPO, RPOs, or Archaeologists. A summary of these undertakings will be included in the annual report, per Stipulation X.

#### B. Transmission and Distribution Lines

1. Installation, maintenance, removal, and/or replacement of equipment and components on existing transmission and/or distribution lines and structures, where no ground disturbance is required outside an area(s) previously disturbed by construction of the existing transmission and/or distribution line
2. Installation, maintenance, repair, and/or replacement of overhead conductor, ground wire, and/or fiber optic cable on existing transmission and/or distribution lines, where the construction of a landing(s)/pad(s) is not required
3. Vegetation management conducted using only hand tools (e.g., chainsaws and pull-behind chippers) and pesticide application along the existing transmission and/or distribution lines and associated access roads
4. Ground patrols of existing transmission and distribution lines
5. The use of helicopter landing zones along transmission and/or distribution lines, where the construction of a landing(s)/pad(s) is not required
6. Installation, maintenance, removal, and/or replacement of gates; and maintenance, removal, and/or replacement of fences along existing transmission and/or distribution lines and associated access roads, where no ground disturbance is required outside an area(s) previously disturbed by construction of the existing gate and/or fence
7. Transmission and/or distribution line decommissioning (removal) where no ground disturbance is required outside an area(s) previously disturbed by construction of the existing transmission and/or distribution line and where the transmission and/or distribution line(s) are not historic properties, or those cultural resources that require additional information (unevaluated and/or “needs data”) prior to a determination for inclusion in the NRHP
8. Transmission and/or distribution line structure replacements where the new structures are visually similar to the existing structures (minor structure and hardware updates may be necessary to meet current WAPA design standards), the new structures are placed in the existing structure holes, and where no ground disturbance is required outside an area(s) previously disturbed by construction of the existing transmission and/or distribution line



9. Other maintenance program undertakings, along the transmission and/or distribution lines and associated access roads in an area(s) previously disturbed by construction of the existing transmission and/or distribution lines and associated access roads, where the potential effects upon historic properties, or those cultural resources that require additional information (unevaluated and/or “needs data”) prior to a determination for inclusion in the NRHP, are foreseeable and likely to be minimal or not adverse, as determined by WAPA’s cultural resource professionals. A summary of these undertakings will be included in the annual report, per Stipulation X.

C. Communication and Microwave Sites (also including, but not limited to, Communication Facilities)

1. Installation, maintenance, removal, and/or replacement of equipment and components within the confines of an existing communication and/or microwave site
2. Maintenance and/or removal of buildings and structures less than 50 years old within the confines of an existing communication and/or microwave site
3. Maintenance, removal, and/or replacement of non-original components of buildings more than 50 years old within the confines of an existing communication and/or microwave site
4. Ground disturbing activities within the confines of an existing communication and/or microwave site
5. Installation, maintenance, removal, and/or replacement of gates and fences at an existing communication and/or microwave site
6. Vegetation management conducted using only hand tools (e.g., chainsaws and pull-behind chippers) and pesticide application within the confines of and/or outside an existing communication and/or microwave site in an area(s) previously disturbed by construction of an existing communication and/or microwave site
7. Other maintenance program undertakings, within the confines of and/or outside an existing communication and/or microwave site in an area(s) disturbed by construction of an existing communication and/or microwave site, where the potential effects upon historic properties, or those cultural resources that require additional information (unevaluated and/or “needs data”) prior to a determination for inclusion in the NRHP, are foreseeable and likely to be minimal or not adverse, as determined by WAPA’s cultural resource professionals. A summary of these undertakings will be included in the annual report, per Stipulation X.

D. Field Offices (Complexes) (also including, but not limited to, Service Centers)

1. Installation, maintenance, removal, and/or replacement of equipment and components within the confines of an existing field office complex
2. Maintenance and/or removal of buildings and structures less than 50 years old within the confines of an existing field office complex
3. Maintenance, removal, and/or replacement of non-original components of buildings more than 50 years old within the confines of an existing field office complex
4. Ground disturbing activities within the confines of an existing field office complex
5. Installation, maintenance, removal, and/or replacement of gates and fences at an existing field office complex
6. Vegetation management conducted using only hand tools (e.g., chainsaws and pull-behind chippers) pesticide application within the confines of and/or outside an existing field office complex in an area(s) previously disturbed by construction of an existing field office complex
7. Other maintenance program undertakings, within the confines of and/or outside an existing field office complex in an area(s) disturbed by construction of an existing field office complex, where the potential effects upon historic properties, or those cultural resources that require additional information (unevaluated and/or “needs data”) prior to a determination for inclusion in the NRHP, are foreseeable and likely to be minimal or not adverse, as determined by WAPA’s cultural resource professionals. A summary of these undertakings will be included in the annual report, per Stipulation X.

## APPENDIX C: BEST MANAGEMENT PRACTICES

- A. In APEs where WAPA's cultural resource professionals determine that dense vegetation poses a safety concern or prevents the completion of a Class II or Class III cultural resource inventory, WAPA's cultural resource professionals will consult with the applicable land management agency(ies), tribe(s), THPO(s), and/or SHPO(s) to discuss alternatives, including but not limited to, monitoring or post-undertaking inventory, if the undertaking cannot be re-designed to avoid this area(s).
- B. WAPA's cultural resource professionals will consult with the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) prior to conducting a Class II inventory to obtain approval for this inventory method.
- C. In APEs where WAPA's cultural resource professionals determine that steep terrain ( $\geq 20$  degrees) poses a safety concern or prevents the completion of a Class II or Class III cultural resource inventory, WAPA's cultural resource professionals will examine areas  $\geq 20$  degrees with a high probability to contain cultural resources such as rock shelters or rock art with binoculars. These areas will be documented in the inventory report(s).
- D. In APEs where access road maintenance must occur on roads that themselves are historic properties, or those cultural resources that require additional information (unevaluated and/or "needs data") prior to a determination for inclusion in the NRHP, maintenance will be limited to grading/blading and replacement of existing or installation of new culverts and/or water bars. The maintenance will not alter, directly or indirectly, any of the characteristics of these resources that qualify them for inclusion in the NRHP in a manner that would diminish the integrity of the resource's location, design, setting, materials, workmanship, feeling, or association.
- E. In APEs, Class II or Class III cultural resource inventories must meet average ground visibility requirements, as defined by the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s), to be considered adequate. Exceptions may be made following consultation with the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s).
- F. In APEs where access restrictions prevent the completion of a Class II or Class III cultural resource inventory, WAPA's cultural resource professionals will document this area(s) in the inventory report(s). The undertaking will not be authorized in this area(s) until a Class II or Class III cultural resource inventory of this area(s) and consultation with the applicable land management agency(ies), tribe(s), THPO(s), and SHPO(s) have been completed.